



Minnesota Pollution Control Agency

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February 10, 2017

Mr. Robert A. Kaplan
Acting Regional Administrator
U.S. Environmental Protection Agency, REGION 5
77 West Jackson Boulevard
Mail Code: R-19J
Chicago, IL 60604-3507

RE: Minnesota's State Implementation Plan Requirements Relating to Startup, Shutdown,
and Malfunction Operations

Dear Mr. Kaplan:

The Minnesota Pollution Control Agency (MPCA) hereby submits to the U.S. Environmental Protection Agency (EPA) a request for revision of Minnesota's State Implementation Plan (SIP).

The MPCA is submitting this letter and the attached copy of the *Minnesota State Register* (*State Register*) to provide EPA with additional documentation to be included with our SIP revision submitted electronically on November 22, 2016, (Submission Title: MN_SSM SIP_11222016) in response to EPA's May 22, 2015, "SIP call." This SIP call required the MPCA to remove Minn. R. 7011.1415 from the Minnesota SIP. Minn. R. 7011.1415 provided automatic exemptions for excess emissions resulting from flared gas at petroleum refineries when such flares were caused by startup, shutdown, or malfunction operations. The rule provision conflicted with Clean Air Act requirements that enforceable emission limitations contained in a SIP be continuous. The attached copy of the *State Register* (Volume 41, Number 25) Notice of Adoption provides the required documentation of the repeal of Minn. R. 7011.1415, effective December 27, 2016.

As mentioned in our November 22, 2016, SIP revision submittal, the Omnibus Air Rule Amendments (Rule) included the repeal of Minn. R. 7011.1415. The final Rule Notice of Adoption was published in the *State Register* on December 19, 2016, and was effective on December 27, 2016. Page 763 of Volume 41, Number 25 of the *State Register* (December 19, 2016, attached) notes that the Rule proposed and published in the *State Register*, Volume 40, Number 35, pages 1085-1141 (February 29, 2016) was adopted with modifications specified. No changes were made to the proposed repeal of Minn. R. 7011.1415 in the Notice of Adoption. As stated on page 762 of the attached *State Register*, the effective date of the adopted rules and the repeal of Minn. R. 7011.1415 is December 27, 2016 (five working days after the Notice of Adoption was published in the *State Register*).

Mr. Robert A. Kaplan

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February 10, 2017

By my signature below, I am authorizing electronic submittal of this SIP revision via EPA's Central Data Exchange electronic SIP submittal platform. Please contact Amanda Jarrett Smith of my staff at 651-757-2486 or amanda.smith@state.mn.us if you have any questions regarding Minnesota's SIP.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Linc Stine".

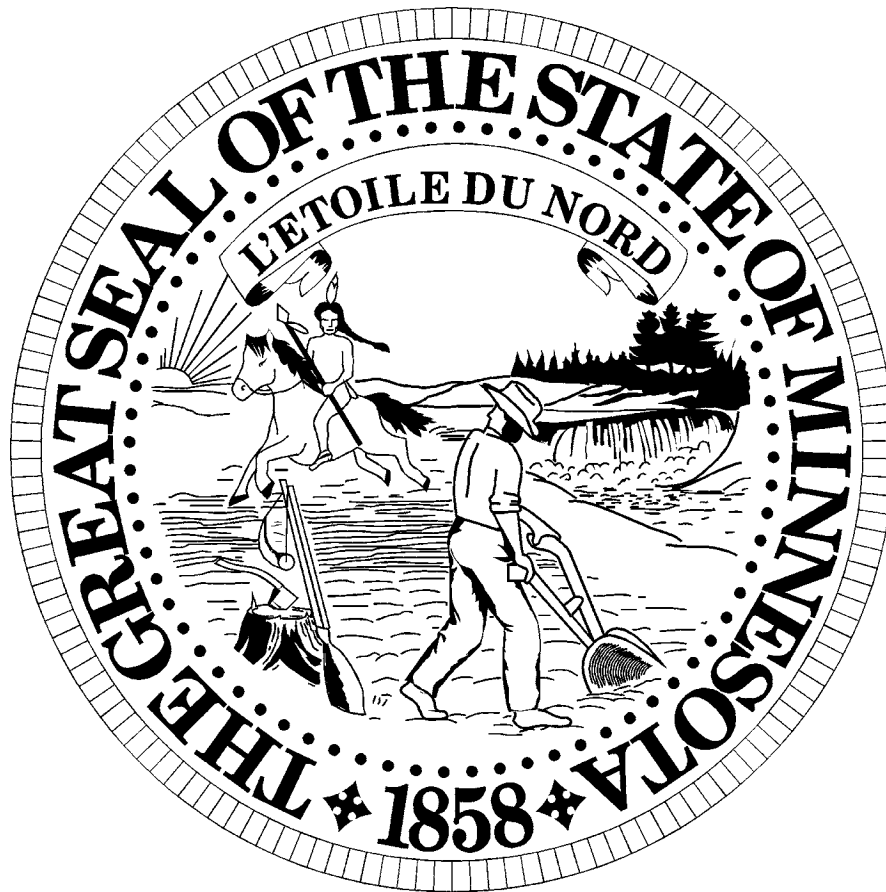
John Linc Stine
Commissioner

JLS/AJS:mb

Attachment

Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts;
Non-State Public Bids, Contracts and Grants**

**Monday 19 December 2016
Volume 41, Number 25
Pages 655 - 794**

Minnesota State Register

Judicial Notice Shall Be Taken of Material Published in the *Minnesota State Register*

The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- | | | | |
|-------------------|------------------------------------|--------------------------|---|
| • Proposed Rules | • Executive Orders of the Governor | • Commissioners' Orders | • Contracts for Professional, Technical and Consulting Services |
| • Adopted Rules | • Appointments | • Revenue Notices | • Non-State Public Bids, Contracts and Grants |
| • Exempt Rules | • Proclamations | • Official Notices | |
| • Expedited Rules | • Vetoed Rules | • State Grants and Loans | |
| • Withdrawn Rules | | | |

Printing Schedule and Submission Deadlines

Vol. 41 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 26	Tuesday 27 December	Noon Tuesday 20 December	Noon Thursday 15 December
# 27	Tuesday 3 January	Noon Tuesday 27 December	Noon Thursday 22 December
# 28	Monday 9 January	Noon Tuesday 3 January	Noon Thursday 29 December
# 29	Tuesday 17 January	Noon Tuesday 10 January	Noon Thursday 5 January

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25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
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Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the State Register, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules or Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Pollution Control Agency

Environmental Analysis and Outcomes Division

Proposed Permanent Rule Relating to Water Quality Standards and Tiered Aquatic Life Use; Notice of Intent to Adopt Rules without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's Identification Number RD4237

DUAL NOTICE: Notice of Intent to Adopt Rules without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's Identification Number RD4237.

Proposed Amendments to *Minnesota Rules*, Chapters 7050 and 7052, relating to Tiered Aquatic Life Uses (TALU) and Modification of Class 2 Beneficial Use Designations

Proposed Rules

C. Standards that vary with pH applicable to Class 2B, 2C, and 2D waters in the Lake Superior Basin are listed in this subpart. Exp. is the base e exponential function.

		Example standards at pH of:				
Pentachlorophenol	Formula, results in ug/l	6.5	7.0	7.5	8.0	8.5
Chronic standard	exp.(1.005[pH]-5.134) not to exceed 5.5 ug/l	4.0	5.5	5.5	5.5	5.5
Maximum standard	exp.(1.005[pH]-4.869)	5.3	8.7	14	24	39
Final acute value	exp.(1.005[pH]-4.175)	11	17	29	48	79

7052.0110 METHODOLOGIES FOR DEVELOPMENT OF STANDARDS AND CRITERIA, AND BIOACCUMULATION FACTORS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Bioaccumulation factors.** Bioaccumulation factors (BAFs) for calculating human health and wildlife standards were developed and BAFs for calculating criteria must be developed using the methodology provided by Code of Federal Regulations, title 40, part 132, Appendix B, entitled "Great Lakes Water Quality Methodology for Deriving Bioaccumulation Factors," as amended through March 12, 1997, which is adopted and incorporated by reference in part 7052.0015, item B, except that for human health standards and criteria, the baseline BAF is multiplied by the following lipid fractions which apply to fish in both trophic levels 3 (TL₃) and 4 (TL₄), except as noted in item C:

[For text of items A and B, see M.R.]

C. 0.015 for TL₄ and 0.020 for TL₃ for Class 2B, 2Bd, 2C, and 2D waters.

[For text of subps 4 and 5, see M.R.]

REPEALER. Minnesota Rules, part 7050.0222, subpart 5, is repealed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Labor and Industry

Adopted Permanent Rules Adopting a Change to the International Residential Code

The rules proposed and published at State Register, Volume 41, Number 12, pages 353-355, September 19, 2016 (41 SR 353), are adopted as proposed.

Pollution Control Agency

Adopted Permanent Rules Relating to Air Quality

The rules proposed and published at State Register, Volume 40, Number 35, pages 1085-1141, February 29, 2016 (40 SR 1085), are adopted with the following modifications:

7005.0100 DEFINITIONS.

Subp. 4f. ~~Condensable particulate matter.~~ “Condensable particulate matter” means material that is in vapor phase at stack conditions and upon discharge immediately condenses in the ambient air to form solid or liquid particulate.

Subp. 4g. **Conditionally exempt stationary source.** “Conditionally exempt stationary source” means a stationary source listed in parts 7008.2100 to 7008.2250 that complies with chapter 7008 and all applicable requirements as defined in part 7007.0100, subpart ~~6b~~ 7, and is not part of another stationary source.

Subp. 4h. **Conditionally insignificant activity.** “Conditionally insignificant activity” means any emissions unit, emissions units, or activity listed in ~~part parts~~ 7008.4100 to 7008.4110 that complies with chapter 7008 and all applicable requirements as defined in part 7007.0100, subpart ~~6b~~ 7.

Subp. 12a. **Inorganic condensable particulate matter.** “Inorganic condensable particulate matter” means inorganic material collected and measured by the sample train during a performance test for particulate matter.

Subp. 29a. **Organic condensable particulate matter.** “Organic condensable particulate matter” means organic material collected and measured by the sample train during a performance test for particulate matter.

7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.

Subpart 1. **No permit required.** The owners and operators of the following stationary sources are not required to obtain a permit under parts 7007.0100 to 7007.1850:

D. any stationary source with only emissions units ~~listed as that:~~

- (1) are listed as insignificant activities in part 7007.1300, subparts 2 and 3;
- (2) are conditionally insignificant activities under chapter 7008; or
- (3) qualify under both subitems (1) and (2).

The owner or operator of a stationary source that has conditionally insignificant activities must comply with parts 7008.4000 to 7008.4110 to qualify for the permit exemption under this part. The owner or operator must maintain records that demonstrate that a permit is not required. These records ~~shall~~ must contain a list of all emissions units and the Minnesota Rules citation that defines those emissions units as an insignificant activity or conditionally insignificant activity. The records ~~shall~~ must be permanently kept at the stationary source or a central office and be readily available for examination and copying by the commissioner or a representative of the commissioner;

7007.0500 CONTENT OF PERMIT APPLICATION.

Subp. 3. **Application certification.** A responsible official, as defined in part 7007.0100, subpart 21, ~~shall~~ must sign and certify any application, notice, report, or compliance certification submitted pursuant to parts 7007.0100 to 7007.1850 or notice submitted pursuant to part 7007.0800, subpart 10, item B; 7007.1110, subpart 10, 11, or 15a; 7007.1150, item C; 7007.1250, subpart 4; or 7007.1350, subpart 2, with regard to truth, accuracy, and completeness. This certification and any other certification required by parts 7007.0100 to 7007.1850 ~~shall~~ must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. This subpart ~~shall~~ must be complied with by both the owner and the operator of the stationary source if they are not the same.

Adopted Rules

7007.0650 APPLICATION SUBMITTAL.

Subpart 1. **Who receives application.** Permit applicants shall submit two printed copies of the complete application and all supplemental information requested by the commissioner to the ~~Minnesota Pollution Control Agency at 520 Lafayette Road North, Saint Paul, Minnesota 55155~~ address specified by the commissioner. Upon request of the commissioner, the applicant shall submit additional copies of the application directly to the administrator, affected states, and other governmental entities with the legal right to review the application, or submit additional copies to the agency to be forwarded to these parties.

Subp. 2. **Electronic application submittal.** Applicants may submit applications and supplemental information in an electronic format specified by the commissioner. If the information is submitted in an electronic format:

A. the applicant must submit a printed copy of the complete application and supplemental information if requested by the commissioner ~~may allow the applicant to submit fewer printed copies than required in subpart 1;~~ and

B. ~~the application must include~~ the application certification required by part 7007.0500, subpart 3, must either:

(1) be on paper with an original signature; or

(2) with have an electronic signature, if such a method of signature has been approved by the commissioner.

7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.

Subp. 7. **Two-stage issuance of permits and permit amendments authorizing construction or modification.**

A. If a permit or permit amendment:

(2) ~~includes the requirements of a part 70 permit;~~

(3) must follow the 45-day EPA review period procedures under part 7007.0950; and

~~(4)~~ (3) includes either:

(b) an enforceable limitation assumed to avoid being subject to a new source review program under part C or D of the act,

then the agency shall send the permit to the permittee after ~~all requirements~~ the procedural requirements, including public participation procedures, of the applicable new source review program have been satisfied or after all requirements to avoid applicability of a new source review program have been completed including any required notice and comment period. The agency shall at the same time notify the permittee in writing that those permit conditions required by the new source review program or developed to avoid applicability of a new source review program and designated as such by the agency in the permit or amendment, and only those conditions, shall be considered issued.

7007.0800 PERMIT CONTENT.

Subp. 2. **Emission limitations and standards.** The permit must:

D. contain provisions to ensure continuous compliance with applicable emissions limitations during periods of ~~startup~~ start-up and shutdown of an emissions unit; ~~such as operating parameters or best practices to minimize emissions.~~

7007.1142 CAPPED PERMIT ISSUANCE AND CHANGE OF PERMIT STATUS.

Subpart 1. **Capped permit issuance, denial, and revocation.**

A. ~~The following conditions must be satisfied~~ To be eligible to receive a capped permit and for the commissioner to issue a capped permit to, the owners and operators of a stationary source must meet the following conditions:

7007.1150 WHEN A PERMIT AMENDMENT IS REQUIRED.

C. A written notice to the agency shall be sent by any person who, at a permitted stationary source, makes a change that: (i) does not increase emissions of any regulated air pollutant; (ii) does not constitute a title I modification; and (iii) does not constitute any other type of modification, if the change is one of the following:

(3) replacing existing air pollution control equipment with listed control equipment, as defined in part 7011.0060, subpart 4, that meets the control equipment efficiencies for listed control equipment in part 7011.0070 and has an equivalent or better control efficiency of regulated pollutants previously controlled with the control equipment being replaced. provided that the replacement air pollution control equipment:

(a) attains at least the control equipment efficiency in part 7011.0070 for each applicable pollutant; and

(b) has a listed control efficiency in part 7011.0070 that is equivalent to or better than the control efficiency of the control equipment being replaced for each applicable pollutant.

The notice must be received by the agency at least seven working days prior to the installation or replacement. The permittee must submit the notice in a format specified by the commissioner. The notice must include all information needed to determine the applicability of a requirement or to impose any applicable requirement. The notice must be certified by a responsible official in the manner provided in part 7007.0500, subpart 3. The permittee and the agency shall attach the notice to the stationary source's permit. If the agency finds that the installation or replacement triggers new monitoring, record keeping, or reporting requirements under applicable requirements or parts 7007.0100 to 7007.1850, the agency shall initiate an amendment under part 7007.1400 or 7007.1500 to include the new requirements. If the installation or replacement constitutes a title I modification or other type of modification, this item does not apply, and the permittee shall follow the applicable procedures of part 7007.1250, 7007.1350, 7007.1450, or 7007.1500. If notice is provided as required by this item, the installation and operation of the additional equipment shall not be considered a violation of the permit.

7007.1300 INSIGNIFICANT ACTIVITIES LIST.

Subp. 5. Hazardous air pollutant threshold table.

CAS#	Chemical Name	De Minimis Level (tons/year)
57147	1,1-Dimethyl hydrazine	0.008
79005	1,1,2-Trichloroethane Trichloroethane	1
79345	1,1,2,2-Tetrachloroethane	0.3
96128	1,2-Dibromo-3-chloropropane	0.01
122667	1,2-Diphenylhydrazine	0.09
106887	1,2-Epoxybutane	1
75558	1,2-Propylenimine (2-Methyl aziridine)	0.003
120821	1,2,4-Trichlorobenzene	10
106990	1,3-Butadiene	0.07
542756	1,3-Dichloropropene	1
1120714	1,3-Propane sultone	0.03
106467	1,4-Dichlorobenzene(p)	3
123911	1,4-Dioxane (1,4-Diethyleneoxide)	6
53963	2-Acetylaminofluorine	0.005
532274	2-Chloroacetophenone	0.06
79469	2-Nitropropane	1
540841	2,2,4-Trimethylpentane	5
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin	6E-07
584849	2,4-Toluene diisocyanate	0.1
51285	2,4-Dinitrophenol	1
121142	2,4-Dinitrotoluene	0.02

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CAS#	Chemical Name	De Minimis Level (tons/year)
94757	2,4-D, salts, esters (2,4-Dichlorophenoxy acetic acid)	10
95807	2,4-Toluene diamine	0.02
95954	2,4,5-Trichlorophenol	1
88062	2,4,6-Trichlorophenol	6
91941	3,3-Dichlorobenzidine	0.2
119904	3,3'-Dimethoxybenzidine	0.1
119937	3,3'-Dimethyl benzidine	0.008
92671	4-Aminobiphenyl	1
92933	4-Nitrobiphenyl	1
100027	4-Nitrophenol	5
101144	4,4-Methylene bis(2-chloroaniline)	0.2
101779	4,4'-Methylenedianiline	1
534521	4,6-Dinitro-o-cresol, and salts	0.1
75070	Acetaldehyde	9
60355	Acetamide	1
75058	Acetonitrile	4
98862	Acetophenone	1
107028	Acrolein	0.04
79061	Acrylamide	0.02
79107	Acrylic acid	0.6
107131	Acrylonitrile	0.3
107051	Allyl chloride	1
62533	Aniline	1
71432	Benzene	2
92875	Benzidine	0.0003
98077	Benzotrichloride	0.006
100447	Benzyl chloride	0.1
57578	beta-Propiolactone	0.1
92524	Biphenyl	10
117817	Bis(2-ethylhexyl)phthalate(DEHP)	5
542881	Bis(chloromethyl)ether	0.0003
75252	Bromoform	10
156627	Calcium cyanamide	10
133062	Captan	10
63252	Carbaryl	10
75150	Carbon disulfide	1
56235	Carbon tetrachloride	1
463581	Carbonyl sulfide	5
120809	Catechol	5
133904	Chloramben	1
57749	Chlordane	0.01
7782505	Chlorine	0.1
79118	Chloroacetic acid	0.1
108907	Chlorobenzene	10

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CAS#	Chemical Name	De Minimis Level (tons/year)
510156	Chlorobenzilate	0.4
67663	Chloroform	0.9
107302	Chloromethyl methyl ether	0.1
126998	Chloroprene	1
1319773	Cresols/Cresylic acid (isomers and mixture)	1
95487	o-Cresol	1
108394	m-Cresol	1
106445	p-Cresol	1
98828	Cumene	10
334883	Diazomethane	1
132649	Dibenzofuran	5
72559	DDE (p,p'-Dichlorodiphenyldichloroethylene)	0.01
84742	Dibutylphthalate	10
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)	0.06
62737	Dichlorvos	0.2
11422	Diethanolamine	5
64675	Diethyl sulfate	1
60117	Dimethyl aminoazobenzene	1
79447	Dimethyl carbamoyl chloride	0.02
68122	Dimethyl formamide	1
131113	Dimethyl phthalate	10
77781	Dimethyl sulfate	0.1
106898	Epichlorohydrin	2
140885	Ethyl acrylate	1
100414	Ethyl benzene	10
51796	Ethyl carbamate (Urethane)	0.8
75003	Ethyl chloride	10
106934	Ethylene dibromide (Dibromoethane)	0.1
107062	Ethylene dichloride (1,2-Dichloroethane)	0.8
107211	Ethylene glycol	10
151564	Ethylene imine (Aziridine)	0.003
75218	Ethylene oxide	0.1
96457	Ethylene thiourea	0.6
75343	Ethylidene dichloride (1,1-Dichloroethane)	1
50000	Formaldehyde	2
76448	Heptachlor	0.02
118741	Hexachlorobenzene	0.01
87683	Hexachlorobutadiene	0.9
77474	Hexachlorocyclopentadiene	0.1
67721	Hexachloroethane	5
822060	Hexamethylene,-1,6-diisocyanate	0.02
680319	Hexamethylphosphoramide	0.01
110543	Hexane	10
302012	Hydrazine	0.004

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CAS#	Chemical Name	De Minimis Level (tons/year)
7647010	Hydrochloric acid	10
7664393	Hydrogen fluoride	0.1
123319	Hydroquinone	1
78591	Isophorone	10
58899	Lindane (hexachlorocyclohexane, gamma)	0.01
108316	Maleic anhydride	1
67561	Methanol	10
72435	Methoxychlor	10
74839	Methyl bromide (Bromomethane)	10
74873	Methyl chloride (Chloromethane)	10
71556	Methyl chloroform (1,1,1-Trichloroethane)	10
60344	Methyl hydrazine	0.06
74884	Methyl iodide (Iodomethane)	1
108101	Methyl isobutyl ketone	10
624839	Methyl isocyanate	0.1
80626	Methyl methacrylate	10
1634044	Methyl tert-butyl ether	10
12108133	Methylcyclopentadienyl manganese	0.1
75092	Methylene chloride (Dichloromethane)	10
101688	Methylene diphenyl diisocyanate	0.1
91203	Naphthalene	10
98953	Nitrobenzene	1
62759	N-Nitrosodimethylamine	0.001
69892	N-Nitrosomorpholine	1
684935	N-Nitroso-N-methylurea	0.0002
121697	N,N-Dimethylaniline	1
90040	o-Anisidine	1
95534	o-Toluidine	4
56382	Parathion	0.1
82688	Pentachloronitrobenzene (Quintobenzene)	0.3
87865	Pentachlorophenol	0.7
108952	Phenol	0.1
75445	Phosgene	0.1
7803512	Phosphine	5
7723140	Phosphorous	0.1
85449	Phthalic anhydride	5
1336363	Polychlorinated biphenyls (Aroclors)	0.009
106503	p-Phenylenediamine	10
123386	Propionaldehyde	5
114261	Propoxur (Baygone)	10
78875	Propylene dichloride (1,2-Dichloropropane)	1
75569	Propylene oxide	5
91225	Quinoline	0.006
106514	Quinone	5

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CAS#	Chemical Name	De Minimis Level (tons/year)
100425	Styrene	1
96093	Styrene oxide	1
127184	Tetrachloroethylene (Perchloroethylene)	10
7550450	Titanium tetrachloride	0.1
108883	Toluene	10
8001352	Toxaphene (chlorinated camphene)	0.01
79016	Trichloroethylene	10
121448	Triethylamine	10
1582098	Trifluralin	9
108054	Vinyl acetate	1
593602	Vinyl bromide (bromoethene)	0.6
75014	Vinyl chloride	0.2
75354	Vinylidene chloride (1,1-Dichloroethylene)	0.4
1330207	Xylenes (isomers and mixture)	10
108383	m-Xylenes	10
95476	o-Xylenes	10
106423	p-Xylenes	10
-	Arsenic and inorganic arsenic compounds	0.005
7784421	Arsine	0.1
-	Antimony compounds (except those specifically listed)*	5
1309644	Antimony trioxide	1
1345046	Antimony trisulfide	0.1
7783702	Antimony pentafluoride	0.1
28300745	Antimony potassium tartrate	1
-	Beryllium compounds (except Beryllium salts)	0.008
-	Beryllium salts	0.00002
-	Cadmium compounds	0.01
130618	Cadmium oxide	0.01
-	Chromium compounds (except Hexavalent and Trivalent)	5
-	Hexavalent Chromium compounds	0.002
-	Trivalent Chromium compounds	5
10025737	Chromic chloride	0.1
744084	Cobalt metal (and compounds, except those specifically listed)*	0.1
10210681	Cobalt carbonyl	0.1
62207765	Fluomine	0.1
-	Coke oven emissions	0.03
-	Cyanide compounds (except those specifically listed)*	5
143339	Sodium cyanide	0.1
151508	Potassium cyanide	0.1
-	Glycol ethers (except those specifically listed)*	5
110805	2-Ethoxy ethanol	10
111762	Ethylene glycol monobutyl ether	10
108864	2-Methoxy ethanol	10
-	Lead and compounds (except those specifically listed)*	0.01

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CAS#	Chemical Name	De Minimis Level (tons/year)
75741	Tetramethyl lead	0.01
78002	Tetraethyl lead	0.01
7439965	Manganese and compounds (except those specifically listed)*	0.8
12108133	Methylcyclopentadienyl manganese	0.1
-	Mercury compounds (except those specifically listed)*	0.01
10045940	Mercuric nitrate	0.01
748794	Mercuric chloride	0.01
62384	Phenyl mercuric acetate	0.01
-	Elemental Mercury	0.01
-	Mineral fiber compounds (except those specifically listed)*	a
1332214	Asbestos	a
-	Erionite	a
-	Silica (crystalline)	a
-	Talc (containing asbestos from fibers)	a
-	Glass wool	a
-	Rock wool	a
-	Slag wool	a
-	Ceramic fibers	a
-	Nickel compounds (except those specifically listed)*	1
13463393	Nickel Carbonyl	0.1
12035722	Nickel refinery dust	0.08
-	Nickel subsulfide	0.04
-	Polycyclic organic matter-POM (except those specifically listed)*	0.01
56553	Benz(a)anthracene	0.01
50328	Benzo(a)pyrene	0.01
205992	Benzo(b)fluoranthene	0.01
57976	7,12-Dimethylbenz(a)anthracene	0.01
225514	Benz(c)acridine	0.01
218019	Chrysene	0.01
53703	Dibenz(ah)anthracene	0.01
189559	1,2:7,8-Dibenzopyrene	0.01
193395	Indeno(1,2,3-cd)pyrene	0.01
-	Dioxins & Furans (TCDD equivalent)**	-
7782492	Selenium and compounds (except those specifically listed)*	0.1
7488564	Selenium sulfide (mono and di)	0.1
7783075	Hydrogen selenide	0.1
10102188	Sodium selenite	0.1
13410010	Sodium selenate	0.1
99999918	Radionuclides (including radon)	b

* - For this chemical group, specific compounds or subgroups are named specifically in this table. For the remainder of the chemicals of the chemical group, a single de minimis value is listed, which applies to compounds which are not named specifically.

** - The “toxic equivalent factor” method in EPA/625/3-89-016 (U.S. EPA (1989) Interim procedures for estimating risk associated with exposure to mixtures) should be used for PCDD/PCDF mixtures. A different de minimis level will be determined for each mixture depending on the equivalency factors used which are compound specific. For purposes of this part, the document EPA/625/3-89-016, Interim Procedures for Estimating Risk Associated with Exposure to Mixtures, U.S. EPA (1989), is

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incorporated by reference. The Environmental Protection Agency is the author and publisher. This document is available at the University of Minnesota through the Minitex interlibrary loan system. This document is subject to frequent change.

a - De minimis values are zero. Currently available data do not support assignment of a “trivial” emission rate; therefore, the value assigned will be policy based.

b - The EPA relies on Code of Federal Regulations, title 40, part 61, subparts B and I, and Appendix E, and assigns a de minimis level based on an effective dose equivalent of 0.3 millirem per year for a seven-year exposure period that would result in a cancer risk of one per million. The individual radionuclides subject to de minimis levels are contained in Code of Federal Regulations, title 40, part 61.

7008.0100 DEFINITIONS.

Subp. 2a. **Material usage.** “Material usage” means an activity at a stationary source ~~when a material such as a~~ the application or use of ink, paint, coating, adhesive, or solvent is applied or used in a way that emits only VOC, hazardous air pollutants, particulate matter, PM-10, PM-2.5, or a combination thereof and emissions of these pollutants can be calculated on a mass balance basis as described in part 7008.4100. Material usage does not include material processes such as sanding, milling, materials reacting to form new materials, fuel usage, or grain or other material handling.

Subp. 2b. **Recycling.** “Recycling” means the reclamation or reuse of waste VOC-containing or hazardous air pollutant-containing materials from material usage activities, ~~as defined in part 7045.0020. For purposes of this subpart, “reclamation” has the meaning given in part 7045.0020, subpart 73c, and “reuse” has the meaning given in part 7045.0020, subpart 75a.~~

Subp. 5. **Transfer efficiency.** “Transfer efficiency” means the ratio of the weight of ~~coating solids adhering in the material that adheres~~ coating solids adhering in the material to an object ~~being coated~~ being coated to the total weight of ~~coating solids in the material~~ coating solids in the material used in the application process. Transfer efficiency varies with the type of application method and is obtained from the application equipment manufacturer. If the manufacturer provides a range for the transfer efficiency, the transfer efficiency for calculating particulate matter, PM-10, and PM-2.5 emissions is the minimum specified in the range.

7008.4000 CONDITIONALLY INSIGNIFICANT ACTIVITIES.

If operated in compliance with this part and parts 7008.4100 and 7008.4110, the activities and operation of the emissions units listed in parts 7008.4100 and 7008.4110 are insignificant activities for purposes of parts 7007.0100 to 7007.1850. To qualify for the exemption from permitting in part 7007.0300, subpart 1, item D, subitem (2) or (3), the owner or operator of a stationary source that has the potential to emit any pollutant in excess of a permitting threshold in chapter 7007 must comply with the requirements of parts 7008.4000 to 7008.4110. Listing in part 7008.4100 or 7008.4110 has no effect on any other law, including laws enforced by the agency other than parts 7007.0100 to 7007.1850, to which the activity may be subject.

The activities described in parts 7008.4100 and 7008.4110 must be listed in a permit application, and calculation of emissions from these activities shall be provided if required by the agency, under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed in part 7008.4100 or 7008.4110 are subject to additional requirements under section 114(a)(3) of the act (Monitoring Requirements) or section 112 of the act (Hazardous Air Pollutants), or if part of a title I modification, or, if accounted for, make a stationary source subject to a part 70 permit, emissions from the emissions units must be calculated in the permit application.

7008.4100 CONDITIONALLY INSIGNIFICANT MATERIAL USAGE.

Subp. 2. **Material usage limits.** The owner or operator must ~~meet the limits in items A to C for limit emissions from all~~ limit emissions from all material usage ~~as provided in items A and B~~ as provided in items A and B at the stationary source to qualify as a conditionally insignificant activity under this part.

A. **VOCs.** The owner or operator must limit ~~VOC emissions of VOCs from all material usage activities at the stationary source to less than 200 gallons or 2,000 pounds, or VOC usage to less than 200 gallons, in each calendar year period calculated according to the method in subpart 4. All VOC emissions from all material usage activities at the stationary source must be accounted for in the annual calculation. This limit applies regardless of the hazardous air pollutant content of the VOC.~~

B. The owner or operator must ~~limit emissions of all hazardous air pollutants from all material usage activities at the stationary source to less than 200 gallons or 2,000 pounds in each calendar year period calculated according to the method in subpart 5. All hazardous air pollutant emissions from all material usage activities at the stationary source must be accounted for in the~~

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~~annual calculation:~~

~~C.~~ Particulate matter. The owner or operator must limit emissions of particulate matter, PM-10, and PM-2.5 to less than ~~2,000~~ 8,000 pounds each in each calendar year period calculated according to the method in subpart 6.5. All particulate matter, PM-10, and PM-2.5 emissions from all material usage activities at the stationary source must be accounted for in the annual calculation. This limit applies regardless of the hazardous air pollutant content of the particulate matter.

Subp. 3. **Record keeping.** The owner or operator of a stationary source claiming material usage as a conditionally insignificant activity must:

~~B.~~ maintain records for each calendar year of the number of gallons of hazardous air pollutant-containing materials purchased or used and the maximum hazardous air pollutant content of each material;

~~C.~~ B. maintain records for each calendar year of the number of gallons of solids-containing materials purchased or used and the maximum solids content of each material;

~~D.~~ C. maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum VOC content, ~~the maximum hazardous air pollutant content,~~ and the maximum solids content for each material;

~~E.~~ D. if the owner or operator ships waste material from material usage activities off-site for recycling, keep records of the amount of material shipped off-site for recycling, the VOC content ~~and hazardous air pollutant content of the waste materials~~ shipped off-site for recycling, and the calculations done to determine the amount of VOC ~~and hazardous air pollutants~~ to subtract. Acceptable records include: the material safety data sheets, invoices, shipping papers, and/or hazardous waste manifests;

~~F.~~ E. if a material usage activity includes spray application of material and the owner or operator chooses to apply the transfer efficiency in calculations, maintain information on the type of spray application equipment and transfer efficiency; and

~~G.~~ F. if requested by the commissioner, calculate and record for any of the previous five calendar years:

- ~~(2)~~ the hazardous air pollutant emissions using the method in subpart 5;
- ~~(3)~~ the particulate matter, PM-10, and PM-2.5 emissions using the method in subpart 6.5;
- ~~(4)~~ (3) the calculation used to arrive at the total for each of subitems (1) ~~to (3)~~ and (2); and
- ~~(5)~~ (4) a list of the associated emissions units in which the material was used.

Subp. 4. **Calculating VOC emissions.** An owner or operator claiming material usage as a conditionally insignificant activity must calculate VOC emissions using one of the methods in item A or B. If the owner or operator ships waste material from material usage activities off-site for recycling, the amount of VOC recycled may be subtracted from the amount of VOC calculated in item A or B:

B. pounds of VOC per calendar year equal gallons of VOC-containing material purchased or used in a calendar year multiplied by the pounds of VOC per gallon or pounds of VOC-containing material purchased or used in a calendar year multiplied by weight percent of VOC.

Subp. 5. ~~Calculating total hazardous air pollutant emissions.~~ An owner or operator claiming material usage as a conditionally insignificant activity must calculate total hazardous air pollutant emissions using one of the methods in item A or B. If the owner or operator ships waste materials from material usage activities off-site for recycling, the amount of hazardous air pollutants recycled may be subtracted from the amount of total hazardous air pollutant calculated in item A or B:

A. gallons of hazardous air pollutants per calendar year equal gallons of hazardous air pollutant-containing material purchased or used in a calendar year multiplied by the volume percentage of hazardous air pollutants; or

B. pounds of hazardous air pollutants per calendar year equal gallons of hazardous air pollutant-containing material purchased or used in a calendar year multiplied by the pounds of hazardous air pollutants per gallon or pounds of hazardous air pollutant-containing material purchased or used in a calendar year multiplied by the weight percent of hazardous air pollutants.

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Subp. 6.5. **Calculating particulate matter, PM-10, and PM-2.5 emissions.** An owner or operator claiming material usage as a conditionally insignificant activity must calculate particulate matter, PM-10, and PM-2.5 emissions individually using one of the methods in item A or B:

7008.4110 CONDITIONALLY INSIGNIFICANT ~~FINISHING PM AND PM-10 EMITTING OPERATIONS THAT EMIT ONLY PM, PM-10, AND PM-2.5.~~

Subpart 1. **Applicability.** This part applies to ~~any~~ a stationary source claiming particulate matter (PM) or particulate matter of less than ten microns (PM10) venting equipment as a conditionally insignificant activity.

[For text of subp 2, see M.R.]

Subp. 3. **Monitoring and record keeping.** ~~An owner or operator of A stationary source claiming finishing operations that emit PM, or PM-10, or PM-2.5 venting equipment~~ as a conditionally insignificant activity must:

7009.0010 DEFINITIONS.

Subp. 1a. **Averaging time.** “Averaging time” means the time period specified in part 7009.0080 over which air pollution concentration data are averaged in preparation for comparison to the ambient air quality standard. ~~The average is calculated by summing all data points for the time period and dividing by the number of data points.~~

7009.0080 MINNESOTA AMBIENT AIR QUALITY STANDARDS.

The following table contains the state ambient air quality standards.

Air Pollutant	Level of Primary Standard	Level of Secondary Standard	Averaging Time	Form of the Standard
Hydrogen Sulfide	0.05 ppm by volume (70.0 micrograms per cubic meter)		30-minutes	30-minute average not to be exceeded more than two times in a year
	0.03 ppm by volume (42.0 micrograms per cubic meter)		30-minutes	30-minute average not to be exceeded more than two times in 5 consecutive days
Ozone	75 70 ppb by volume (150 137 micrograms per cubic meter)	Same as primary standard	8-hour	3-year average of the annual fourth high daily maximum 8-hour concentration does not exceed standard
Carbon Monoxide	9 ppm by volume (10 milligrams per cubic meter)		8-hour	Annual second-high 8-hour concentration does not exceed standard
	35 ppm by volume (40 milligrams per cubic meter)		1-hour	Annual second-high 1-hour concentration does not exceed standard
Sulfur Dioxide	30 ppb by volume (80 79 micrograms per cubic meter)		Annual average	Annual average concentration does not exceed standard

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Air Pollutant	Level of Primary Standard	Level of Secondary Standard	Averaging Time	Form of the Standard
	140 ppb (365 <u>367</u> micrograms per cubic meter)		24-hour	Annual second-high 24-hour concentration does not exceed standard
		500 ppb by volume (1,300 <u>1,310</u> micrograms per cubic meter)	3-hour	Annual second-high 3-hour concentration does not exceed the standard
	75 ppb (196 <u>197</u> micrograms per cubic meter)		1-hour	3-year average of the annual 99th-percentile of daily maximum 1-hour concentrations does not exceed standard
Total Suspended Particulate	75 micrograms per cubic meter	60 micrograms per cubic meter	Annual average	Annual average geometric mean concentration does not exceed standard
	260 micrograms per cubic meter	150 micrograms per cubic meter	24-hour	Annual second-high 24-hour concentration does not exceed standard
Nitrogen Dioxide	53 ppb by volume (100 micrograms per cubic meter)	Same as primary standard	Annual average	Annual average concentration does not exceed standard
	100 ppb by volume (188 micrograms per cubic meter)		1-hour	3-year average of the annual 98th-percentile of daily maximum 1-hour concentrations does not exceed standard
Lead	0.15 micrograms per cubic meter	Same as primary standard	Rolling 3-month average	Maximum 3-month rolling average from 3 consecutive years does not exceed the standard
PM-10	150 micrograms per cubic meter	Same as primary standard	24-hour	3-year average of the annual estimated exceedance days is less than or equal to 1
PM-2.5	35 micrograms per cubic meter	Same as primary standard	24-hour	3-year average of the annual 98th-percentile of 24-hour concentrations does not exceed the standard
	12.0 micrograms per cubic meter	15.0 micrograms per cubic meter	Annual average	3-year average of the annual quarterly- <u>seasonally-weighted</u> average does not exceed the standard

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7009.0090 NATIONAL AMBIENT AIR QUALITY STANDARDS.

The following national ambient air quality standards, established pursuant to section 109 of the Clean Air Act, are adopted and incorporated by reference. Interpretation of the standards and measurements made to determine compliance with these standards must be performed as specified in part 7009.0050:

- A. sulfur dioxide (SO₂), Code of Federal Regulations, title 40, sections ~~50.4(b) and 50.5(a)~~ 50.4, 50.5, and 50.17, as amended;
- B. PM-10, Code of Federal Regulations, title 40, section ~~50.6(a)~~ 50.6, as amended;
- C. PM-2.5, Code of Federal Regulations, title 40, section ~~50.7(a)~~ sections 50.13 and 50.18, as amended;
- D. carbon monoxide (CO), Code of Federal Regulations, title 40, section ~~50.8(a)(1) and (2)~~ 50.8, as amended;
- E. ozone (O₃), Code of Federal Regulations, title 40, sections ~~50.9(a) and 50.10(a)~~ 50.9 and 50.19, as amended;
- F. nitrogen dioxide (NO₂), Code of Federal Regulations, title 40, section ~~50.11(a) and (b)~~ 50.11, as amended; and
- G. lead (Pb), Code of Federal Regulations, title 40, section ~~50.12~~ 50.16, as amended.

7011.0065 APPLICABILITY.

Subpart 1. **Applicability.** The owner or operator of a stationary source ~~shall~~ must comply with parts 7011.0060 to 7011.0080 if the owner or operator elected to use the control equipment efficiencies for listed control equipment established pursuant to part 7011.0070 to calculate potential to emit, from emissions units that discharge through the listed control equipment, to:

7011.0070 LISTED CONTROL EQUIPMENT AND CONTROL EQUIPMENT EFFICIENCIES.

Subp. 1a. **Exceptions where control efficiency disallowed.** The owner or operator may not use a control efficiency listed in Table A if:

A. the commissioner determines that the listed efficiency is inapplicable or is not representative of the source due to complexity of the process or source of emissions, lack of reliable data, presence of a pollutant or constituent such as organic or inorganic condensable particulate matter or an organic compound significantly more difficult to control than the overall VOC gas stream that makes the categorical efficiency nonrepresentative, or other site-specific conditions; or

7011.0080 MONITORING AND RECORD KEEPING FOR LISTED CONTROL EQUIPMENT.

The owner or operator of a stationary source ~~shall~~ must comply with the monitoring and record keeping required for listed control equipment by the table in this part. The owner or operator shall maintain the records required by this part for a minimum of five years from the date the record was made. Unless a specific format is required, the records may be maintained in either electronic or paper format. For certified hoods, the owner or operator shall comply with part 7011.0072.

Identification Number(s)	Pollution Control Equipment Type	Monitoring Parameter(s)	Record-keeping Requirement
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7011.0535 PERFORMANCE TEST PROCEDURES.

Subp. 3. **Method 5.** For Method 5, the sampling time for each run ~~shall~~ must be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf) except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the agency.

7011.0615 PERFORMANCE TEST METHODS.

Unless another method is approved by the agency, any person required to submit performance tests for direct heating equipment must use the following test methods to demonstrate compliance:

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C. Method 5 for concentration of filterable particulate matter and the associated moisture content and Method 202 for concentration of organic condensable particulate matter;

7011.0720 PERFORMANCE TEST METHODS.

Unless another method is approved by the agency, any owner or operator required to submit performance tests for any industrial process equipment must use the following test methods to demonstrate compliance:

D. Method 5 for the concentration of filterable particulate matter and associated moisture content and Method 202 for the concentration of ~~organic condensables~~ condensables; and

7011.1105 STANDARDS OF PERFORMANCE FOR CERTAIN COAL HANDLING FACILITIES.

The owner or operator of any new coal handling facility, or an existing coal handling facility located within the Minneapolis-Saint Paul Air Quality Control Region or within the boundaries of the city of Duluth, ~~shall~~ must perform the following abatement measures unless otherwise exempt by portions of these parts:

7011.1135 PERFORMANCE TEST PROCEDURES.

Subpart 1. **In general.** Performance tests ~~shall~~ must be conducted according to the requirements of this part and parts 7017.2001 to 7017.2060.

Subp. 2. **Special procedures.** For Method 5, the sampling time for each run ~~shall~~ must be at least 60 minutes and the minimum sampling volume ~~shall~~ must be 0.85 dscm (30 dscf) except that owners or operators may, prior to testing, request approval from the commissioner for smaller sampling times or volumes, when necessitated by process variables or site-specific limitations. Sampling ~~shall~~ must not be started until at least 30 minutes after ~~start-up~~ start-up and ~~shall~~ must be terminated before shutdown procedures commence. The owner or operator ~~shall~~ must eliminate cyclonic flow during performance tests.

7011.1265 REQUIRED PERFORMANCE TESTS, METHODS, AND PROCEDURES.

Subp. 2. **Performance test methods for criteria pollutants.** An owner or operator of a waste combustor required to conduct performance tests for particulate matter, sulfur dioxide, or nitrogen oxides ~~shall~~ must use test methods as described in items A to D.

A. For particulate matter, except that for Class I, II, A, and C waste combustors, the minimum sample volume ~~shall~~ must be 1.7 dscm, and the probe and filter holder heating systems in the sample train ~~shall~~ must be set to provide a gas temperature no greater than 160 degrees Celsius, plus or minus 14 degrees. For Class III and IV waste combustors, the minimum sample volume ~~shall~~ must be 0.85 dscm. Owners or operators may request approval for smaller sampling times or volumes from the commissioner prior to testing, when necessitated by process variables or site-specific limitations. An oxygen or carbon dioxide measurement ~~shall~~ must be obtained simultaneously with each Method 5 test run for particulate matter. Particulate matter emissions, expressed in gr/dscf, ~~shall~~ must be corrected to seven percent oxygen by using the following formula:

$$c_7 = \frac{14c}{(21 - \%O_2)}$$

where: c_7 is the concentration of particulate matter corrected to seven percent oxygen;

c is the concentration of particulate matter as measured by Code of Federal Regulations, title 40, part 60, Appendix A-3, Method 5 and Code of Federal Regulations, title 40, part 51, Appendix M, Method 202; and

$\%O_2$ is the percentage of oxygen as measured by Code of Federal Regulations, title 40, part 60, Appendix A-2, Method 3, as amended.

(2) The sum of filterable and organic condensable particulate matter is the concentration of particulate matter as described in part 7017.2060, subpart 3, item B.

For each sample run employing Method 5 as provided in Appendix A-3 of Code of Federal Regulations, title 40, part 60, Appendix A-3, Method 5, as amended, ~~run~~, the emission rate ~~shall~~ must be determined using:

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7011.1270 PERFORMANCE TEST, WASTE COMPOSITION STUDY, AND ASH SAMPLING FREQUENCY.

The owner or operator of a waste combustor shall conduct the performance tests required in part 7011.1265, subpart 5, based on the schedules in items A to E.

- A. Class A waste combustors shall conduct performance tests as described in subitems (1) to (6).

[For text of subitems (1) to (4), see M.R.]

- (5) From Class A waste combustors that are not burning RDF, for mercury emissions every three months.

The facility may implement testing for mercury not less than once every 12 months under the following conditions: the facility has demonstrated that mercury emissions have been below 50 percent of the facility's permitted long-term limit for three consecutive years; ~~and the owner or operator has submitted a request for an administrative amendment according to the procedures of part 7007.1400.~~

Waste combustors combusting RDF may choose to conduct performance tests for mercury every 12 months. If a test shows that an emission limit for mercury from a waste combustor combusting RDF is exceeded, the commissioner shall require testing every three months thereafter until compliance with the standard is demonstrated.

- B. Class II and C waste combustors shall conduct performance tests as described in subitems (1) to (4).

- (1) Once within the normal start-up, except as provided in subitem (3)(b).

[For text of subitem (2), see M.R.]

(3) For mercury emissions, Class C waste combustors shall commence testing June 20, 1995, and continue testing every 90 days until August 1, 1997. Thereafter, Class C waste combustors that are not burning RDF shall conduct mercury emissions testing every three months.

The facility may implement testing for mercury not less than once every three years or according to federal applicable requirements, whichever is more stringent, under the following conditions: the facility has demonstrated that mercury emissions have been below 50 percent of the facility's permitted long-term limit for three consecutive years; ~~and the owner or operator has submitted a request for an administrative amendment according to the procedures of part 7007.1400.~~

If a facility is granted testing for mercury not less than once every three years or according to federal applicable requirements, whichever is more stringent, and a mercury performance test shows mercury emissions greater than 50 percent of the facility's permitted mercury limit, the facility shall conduct annual mercury stack sampling until emissions are below 50 percent of the facility's permitted mercury limit. Once the facility demonstrates that mercury emissions are again below 50 percent of the facility's permitted limit, the facility may resume testing every three years, upon notifying the commissioner in writing.

Waste combustors combusting RDF may choose to conduct performance tests for mercury emissions every 12 months. If a test shows that emission limits for mercury from a waste combustor combusting RDF are exceeded, the commissioner shall require performance testing every three months until compliance is demonstrated.

- C. Class III and D waste combustors shall conduct performance tests as described in subitems (1) to (6).

[For text of subitems (1) and (2), see M.R.]

- (3) For Class III waste combustors, emissions of mercury, every three months.

The facility may implement testing for mercury not less than once every three years or according to federal applicable requirements, whichever is more stringent, under the following conditions: the facility has demonstrated that mercury emissions have been below 50 percent of the facility's permitted long-term limit for three consecutive years; ~~and the owner or operator has submitted a request for an administrative amendment according to the procedures of part 7007.1400.~~

If a facility is granted testing for mercury not less than once every three years or according to federal applicable requirements, whichever is more stringent, and mercury performance test shows mercury emissions greater than 50 percent of the facility's permitted mercury limit, the facility shall conduct annual mercury stack sampling until emissions are below 50 percent of the facility's permitted mercury limit. Once the facility demonstrates that mercury emissions are again below 50 percent of the facility's permitted limit, the facility may resume testing every three years, upon notifying the commissioner in writing.

[For text of subitems (4) to (6), see M.R.]

[For text of item D, see M.R.]

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E. Class I waste combustors shall conduct performance tests for mercury emissions every three months for waste combustors that are not burning RDF.

The facility may implement testing for mercury not less than once every 12 months under the following conditions: the facility has demonstrated that mercury emissions have been below 50 percent of the facility's permitted long-term limit for three consecutive years; ~~and the owner or operator has submitted a request for an administrative amendment according to the procedures of part 7007.1400.~~

Waste combustors combusting RDF may choose to conduct performance tests for mercury every 12 months. If a test shows that an emission limit for mercury from a waste combusting RDF is exceeded, the commissioner shall require testing every three months thereafter until compliance with the standard is demonstrated.

Class I waste combustors shall conduct a waste composition study every five years.

7011.1280 OPERATOR CERTIFICATION.

Subp. 7. Renewal.

A. A certified individual shall apply for certificate renewal no later than 30 days prior to certificate expiration. The application for renewal must include evidence that the person has, during the preceding three years, earned credit for attending training courses in the direct operation and maintenance of and environmental compliance for a waste combustor, including personnel training described in part 7011.1275, for the number of hours as identified as follows:

(1) Class I, II, III, A, or C, ~~or D~~, 24 hours; and

(2) Class IV, eight hours.

An individual whose certificate has expired must comply with item B or C to renew the certificate.

B. If an individual applies for certificate renewal within one year following the expiration of the certificate, ~~the commissioner may renew the certificate without examination. To be recertified without an examination,~~ the individual must meet the training requirements of item A or subpart 3 at the time of application for renewal before the certificate will be renewed without an examination. ~~If the individual does not have training to meet the requirements of item A, the individual must comply with subpart 3.~~

7011.1405 STANDARDS OF PERFORMANCE FOR EXISTING AFFECTED FACILITIES AT PETROLEUM REFINERIES.

Subp. 2. **Fuel gas combustion device and indirect heating equipment.** Flares subject to the conditions of Code of Federal Regulations, title 40, part 60, subpart Ja, are not subject to the limits of this subpart. No owner or operator of existing fuel gas combustion devices and indirect heating equipment at a petroleum refinery shall cause to be discharged into the atmosphere from such devices and equipment any gases which contain sulfur dioxide in excess of 1.75 pounds per million Btu (3.15 grams per million cal) heat input. The total emissions of sulfur dioxide from all existing fuel gas combustion devices and all indirect heating equipment shall be divided by the total heat input of all such devices and equipment to determine compliance with this section; provided that no owner or operator shall cause to be discharged from any one fuel gas combustion device or any one unit of indirect heating equipment any gases which contain sulfur dioxide in excess of 3.0 pounds per million Btu (5.4 grams per million cal) heat input.

7011.1410 STANDARDS OF PERFORMANCE FOR NEW AFFECTED FACILITIES AT PETROLEUM REFINERIES.

Subp. 2. **Fuel gas combustion device.** Flares subject to the conditions of Code of Federal Regulations, title 40, part 60, subpart Ja, are not subject to the limits of this subpart. No owner or operator of a new fuel gas combustion device at a petroleum refinery shall burn in any such device any fuel gas which contains H₂S in excess of 0.10 gr/dscf, (230 mg/dscm) except as provided herein. The owner or operator may elect to treat the gases resulting from the combustion of fuel gas in a manner which limits the release of SO₂ to the atmosphere if it is shown to the satisfaction of the commissioner that this prevents SO₂ emissions as effectively as compliance with the H₂S restriction set forth above.

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7011.1435 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARDS ~~BY REFERENCE~~.

The following New Source Performance Standards are adopted and incorporated by reference:

D. Code of Federal Regulations, title 40, part 60, subpart Ja, as amended, entitled “Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007,” except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.109a(b), are not delegated to the commissioner and must be made by the administrator.

E. Code of Federal Regulations, title 40, part 60, subpart GGGa, as amended, entitled “Standards of Performance for Equipment Leaks of VOC at Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.”

7011.1730 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARDS ~~BY REFERENCE~~.

A. Code of Federal Regulations, title 40, part 60, subpart G, as amended, entitled “Standards of Performance for Nitric Acid Plants,” is adopted and incorporated by reference.

B. Code of Federal Regulations, title 40, part 60, subpart Ga, as amended, entitled “Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011,” is incorporated by reference.

7011.2375 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARD FOR STATIONARY COMBUSTION TURBINES.

Code of Federal Regulations, title 40, part 60, subpart KKKK, as amended, entitled “Standards of Performance for Stationary Combustion Turbines,” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, section 60.737(b), are not delegated to the commissioner and must be made by the administrator.

7011.2900 INCORPORATION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARDS ~~BY REFERENCE~~.

The following New Source Performance Standards are adopted and incorporated by reference:

D. Code of Federal Regulations, title 40, part 60, subpart VVa, as amended, entitled “Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.” With this incorporation, reporting requirements of Code of Federal Regulations, title 40, section 60.487a, remain unchanged.

7011.7050 INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS; MAJOR SOURCES.

Code of Federal Regulations, title 40, part 63, subpart DDDDD, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters,” is incorporated by reference, except that the authorities identified in Code of Federal Regulations, title 40, section ~~63.133(d)~~ 63.7570(b), are not delegated to the commissioner and are retained by the administrator.

~~7011.7630 PORTLAND CEMENT KILNS:~~

~~Code of Federal Regulations, title 40, part 63, subpart LLL, as amended, entitled “National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry,” is adopted and incorporated by reference, except that the decisions made by the administrator under Code of Federal Regulations, title 40, section 63.1358 (c), are not delegated to the commissioner and must be made by the administrator.~~

7017.1170 QUALITY ASSURANCE AND CONTROL REQUIREMENTS FOR CEMS.

Subp. 2. **Quality assurance plan required.** The owner or operator of the facility must develop and implement a written

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quality assurance plan that covers each CEMS. The plan must be on site and available for inspection within 30 days after monitor certification. The plan must be revised as needed to keep the plan up to date with the facility's current policies and procedures. The plan must contain all of the information required by Code of Federal Regulations, title 40, part 60, appendix F, section 3, or Code of Federal Regulations, title 40, part 75, Appendix B, as amended. The plan must include the manufacturer's spare parts list for each CEMS and require that those parts be kept at the facility unless the commissioner gives written approval to exclude specific spare parts from the list. The commissioner may approve requested exclusions if the commissioner determines that it is not reasonable to keep a specific part on site after consideration of the consequences of a malfunction of the part, the likelihood of a malfunction, the time required to obtain the part, and other pertinent factors.

Subp. 4a. **Cylinder gas audit.**

A. The owner or operator must complete the initial cylinder gas audit (CGA) within 180 days following certification of the CEMS. The owner or operator must conduct subsequent CGAs on each concentration and diluent monitor on each CEMS no later than the end of every ~~other second~~ QA operating quarter, regardless of whether the quarters are consecutive ~~calendar quarters~~. ~~The audit must be performed,~~ according to Code of Federal Regulations, title 40, part 60, Appendix F, section 5.1.2, or Code of Federal Regulations, title 40, part 75, Appendix A, section 6.2, as amended. As part of each quarterly excess emission report, the owner or operator must submit notification of any exception to CGA frequency that it used during the reporting period. A CGA is not required during any ~~calendar half year~~ quarter in which a relative accuracy test audit was performed on the CEMS.

Subp. 5a. **Relative accuracy test audits.** The owner or operator must complete relative accuracy test audits (RATAs) as required by this subpart.

B. The owner or operator must complete a RATA on each CEMS within 365 days following certification of the CEMS. Subsequent RATAs must be conducted on each ~~monitor range of a~~ CEMS no later than the end of every fourth QA operating quarter, regardless of whether the operating quarters are consecutive ~~calendar quarters~~, unless the conditions in item C apply.

Subp. 8. **Out of control periods.** Data is not considered valid and may not be used for ~~emissions calculations compliance demonstration~~ during out of control periods as defined in part 7017.1002. The out of control period is considered downtime and the owner or operator must follow the requirements of Code of Federal Regulations, title 40, part 60, Appendix F, sections 4.3.2 and 5.2.2, as amended. An owner or operator may not apply the data substitution procedures in Code of Federal Regulations, title 40, part 75, as amended, to comply with this part.

7017.2060 PERFORMANCE TEST PROCEDURES.

Subp. 3. **Particulate matter determination.** The owner or operator must conduct particulate matter emission tests as required in this subpart.

D. When submitting a proposed test plan, an owner or operator may apply to the commissioner to exclude organic condensable particulate matter from a performance test for particulate matter. The ~~commissioner shall approve the exclusion if the~~ owner or operator ~~demonstrates~~ must demonstrate:

Subp. 4. **PM-10 determination.** The owner or operator must conduct PM-10 emission tests as required in this subpart.

D. When submitting a proposed test plan, an owner or operator may apply to the commissioner to exclude organic and inorganic condensable particulate matter from a performance test for PM-10. The ~~commissioner shall approve the exclusion if the~~ owner or operator ~~demonstrates~~ must demonstrate:

(1) through previous performance test results that the emissions unit is not a source of organic or inorganic condensable particulate matter emissions; or

Subp. 4a. **PM-2.5 determination.** The owner or operator must conduct PM-2.5 emission tests as required in this subpart.

D. When submitting a proposed test plan, an owner or operator may apply to the commissioner to exclude organic and

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~~inorganic~~ condensable particulate matter from a performance test for PM-2.5. The ~~commissioner shall approve the exclusion if the owner or operator demonstrates~~ must demonstrate:

(1) through previous performance test results that the emissions unit is not a source of organic or inorganic condensable particulate matter emissions; or

RENUMBERING AND RELETTERING. In each part of Minnesota Rules referred to in column A, the reference in column B is deleted and the reference in column C is inserted.

Column A	Column B	Column C
7007.0150, subp. 5	7007.0100, subp. 7	7007.0100, subp. 6a
7007.0325, subp. 2	7019.3020, items B, C, and D	7019.3020, items B, D, and E
7007.0325, subp. 2	7019.3020, item E	7019.3020, item F
7007.0800, subp. 6	7007.0500, subp. 2, item K, subitem (4)	7007.0500, subp. 2, item K, subitem (5)
7007.0800, subp. 10	7007.0100, subp. 7	7007.0100, subp. 6a
7007.1300, subp. 2	7007.0100, subp. 7	7007.0100, subp. 6a
7007.1400, subp. 1	7007.0100, subp. 7	7007.0100, subp. 6a
7007.1500, subp. 1	7007.0100, subp. 7	7007.0100, subp. 6a
7007.1750	7007.0100, subp. 7	7007.0100, subp. 6a
7008.2000	7007.0100, subp. 7	7007.0100, subp. 6a
7017.0100, subp. 1	7007.0100, subp. 7	7007.0100, subp. 6a
7017.2005, subp. 1a	7007.0100, subp. 7	7007.0100, subp. 6a
7019.1000, subp. 6	7007.0100, subp. 7	7007.0100, subp. 6a

Adopted Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the conditions. Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited rules detail the agency's rulemaking authority.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

Adopted Rules - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Health

Adopted Expedited Permanent Rules Relating to Health Care Quality

The rules proposed and published at State Register, Volume 41, Number 9, pages 281-282, August 29, 2016 (41 SR 281), are adopted with the following modifications:

4654.0800 INCORPORATION BY REFERENCE.

"Minnesota Statewide Quality Reporting and Measurement System: Appendices to Minnesota Administrative Rules, Chapter 4654," issued by the Minnesota Department of Health, ~~August~~ December 2016, is incorporated by reference. It is available through the Minitex interlibrary loan system and the Minnesota Department of Health Web site at <http://www.health.state.mn.us/healthreform/measurement/index.html>. They are not subject to frequent change.